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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,974	12/27/2000	Andreas Langsdorf	WEI0017	6415

7590 03/19/2003

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EXAMINER

COLAIANNI, MICHAEL

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/748,974

Applicant(s)

Langsdorf et al.

Examiner

Michael Colaianni

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 27, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6, 7 6) ☐ Other:

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Election/Restriction

1. Applicant's election without traverse of Group II, claims 9-12 in Paper No. 9 is acknowledged.
2. Claims 1-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 9.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 uses the parenthetical language “(blowpipe)” which is indefinite because it is not clear if the portion in parentheses is meant to be part of the claim.

Claim 12 use the lanuage “for example” which is indefinite because it is not clear if the language following the phrase is meant to be part of the claim.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Junji et al. JP 63-236729 in view of Morf 1128175.

Junji et al. teach a process for melting glass bars wherein one of the glass bars is introduced into a shell, the shell extends into a melted portion, the glass bar in the shell is heated to the melting point and glass is fed from the shell into the glass melt continuously to produce a glass fiber (abstract and Fig. 1). Junji also teaches that electricity is used to heat the glass (Fig. 1, ref. no. 11). Junji also teaches that the flow is controlled based upon the amount of energy that is

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supplied (Fig. 1, ref. no. 11, the amount of heat supplied will determine the viscosity of the glass and thus the rate at which the fiber can be made.

However, Junji does not teach that the means pulling the fiber off is an arrangement for drop generation.

However, Morf teaches that it is known to use a glass bar melting method in combination with a droplet forming drawing means (Fig. 3). Thus, substituting a droplet forming means for the fiber drawing means would have been obvious given Morf's teaching to use a droplet forming means with a glass bar melting method.

It would have been prima facie obvious at the time the invention was made to combine Morf's teachings with Junji's method of melting glass bars because doing so would expand the versatility of Junji's method and also for the reasons given in the body of the rejection.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Junji et al. JP 63-236729 in view of Morf 1128175 and Mazabraud et al. 6098429.

Junji et al. in view of Morf teach applicant's claimed invention. See the §103(a) rejection for Junji et al. in view of Morf's teachings. However, Junji et al. in view of Morf do not teach that the end of the bar is flat to avoid bubbles at the bar-to-bar impact point.

However, Mazabraud et al. teach that it is known to form a bar-to-bar impact point having a flat surface so that the two bars may be butt-joined together (Fig. 1, ref. nos. 3, 13, 13A).

It would have been prima facie obvious at the time the invention was made to combine Mazabraud et al.'s teachings with Junji et al. in view of Morf's method of melting glass bars in

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order to produce a uniform welded glass bar that produces a product with uniform properties without contamination. Mazabraud et al. teach that the welding method used by them produce a uniform weld and without contamination (col. 1, lines 33-52, col. 4, lines 15-19).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin, can be reached on (703) 308-1164. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



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March 16, 2003

**MICHAEL COLAIANNI
PRIMARY EXAMINER**